

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIAN D. PETTIFORD,

Plaintiff,

- against -

THE CITY OF YONKERS, YONKERS POLICE
OFFICER VINNIE DEVITO, YONKERS POLICE
OFFICER DENNIS MOLINA #646, YONKERS
POLICE OFFICER CHRISTIAN KOCH #699,
ALL DEFENDANTS INDIVIDUALLY AND IN
THEIR OFFICIAL CAPACITIES AS EMPLOYEES
OF THE CITY OF YONKERS,

Defendants.

**JUDGMENT
PURSUANT TO RULE
68**

14-CV-6271 (JCM)

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WHEREAS, Plaintiff commenced this action by filing a complaint on August 1, 2014, alleging that Defendants violated Plaintiff's rights under the federal constitution and state law; and

WHEREAS, on November 16, 2022, pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants offered to allow Plaintiff to take judgment against the City of Yonkers for Plaintiff's claims; and

WHEREAS, on November 17, 2022, Plaintiff accepted Defendants' Rule 68 Offer of Judgment;

NOW, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT
the Court enters judgment against Defendant City of Yonkers, and in favor of Plaintiff as set out below:

1. That pursuant to Rule 68 of the Federal Rules of Civil Procedure, Plaintiff Brian D. Pettiford ("Plaintiff") takes judgment against the City of Yonkers in the amount

of Five Hundred and Seventy Five Thousand Dollars (\$575,000.00) in full satisfaction of all federal and state law claims against all of the Defendants herein, inclusive of all claims asserted by Plaintiff and all amounts sought to be recovered by Plaintiff, including, but not limited to, compensatory damages, punitive damages and all costs, disbursements and attorney's fees incurred by or on behalf of the Plaintiff Brian D. Pettiford, and of any claim that Brian D. Pettiford has now, or might in the future assert, for costs, disbursements and attorney's fees arising from the above-captioned action.

2. That this judgment is made for the purpose of FRCP Rule 68 only, and it is not to be construed as an admission of liability on the part of the City of Yonkers, or any agency thereof, or individually-named Defendants Yonkers Police Officer Vinnie Devito, Yonkers Police Officer Dennis Molina #646, Yonkers Police Officer Christian Koch #699, or any other Defendants herein; nor is it an admission that Plaintiff has suffered any damages.

3. That acceptance of this Rule 68 Offer of Judgment acts to release and discharge Defendants the City of Yonkers, Yonkers Police Officer Vinnie Devito, Yonkers Police Officer Dennis Molina #646, and Yonkers Police Officer Christian Koch #699; their successors or assigns; and all past and present officials, employees, representatives and agents of the City of Yonkers, or any agency thereof, from any and all claims that were or could have been alleged by Plaintiff Brian D. Pettiford in the above-referenced action.


4. That by acceptance of this Rule 68 Offer of Judgment, plaintiff Brian D. Pettiford agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff Brian D. Pettiford further agrees to hold harmless defendants and all past and

present officials, employees, representatives and agents of the City of Yonkers, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

The judgment shall contain and recite the terms and conditions set forth herein.

Dated: White Plains, New York

11-23, 2022


Hon. Judith C. McCarthy
United States Magistrate Judge